

Serial No. 10/743,195

139681-2

REMARKS

Claims 1, 3-21, and 23-72 are currently pending in the above-identified patent application and have been rejected. Claims 1, 3, 4, 21, 23, 24, 41, 48, 49, 50, 58-60 and 68 have been amended solely for the purpose of furthering the prosecution of this application.

Claims 1, 2, 5-15, 18-22, 25-35, 38-43, 45-48, 51-58, 61-70 and 72 stand rejected under 35 U.S.C. §112, first paragraph for allegedly "not reasonably provid[ing] enablement for detection systems not using tomographic techniques with x-rays". Applicant has amended independent claims 1, 21, 41, 48, 58 and 68 to more clearly enunciate the scope of the invention being claimed, namely a system or a method including a "three-dimensional x-ray computed tomography" component. Applicant respectfully requests withdrawal of the §112, first paragraph rejection.

Claims 1, 2, 5-22, 25-48, 51-58 and 61-71 stand rejected under 35 U.S.C. §102 as being anticipated by Krug. Claims 2 and 22 have been canceled, thus rendering this rejection moot as to those claims. Independent claims 1, 21, 41, 48, 58 and 68 have been amended, as noted above with reference to the rejection under 35 U.S.C. §112, first paragraph.

In addition, claims 1, 21 and 41 have been amended to recite that the "reconstruction subsystem utilizes three-dimensional reconstruction techniques". Further, claims 48 and 58 have been amended to recite that the reconstructing step includes "reconstructing the acquired information into a three-dimensional image" and claim 68 has been amended to recite that the reconstructing step includes "reconstructing the information derived from the high-energy and low-energy signatures into a three-dimensional image".

Krug relates to a device and method for inspection of baggage and other objects. The Office action states that Krug teaches a reconstruction subsystem at column 19, line 20 to column 20, line 42. Krug fails, however, to teach or suggest that the

Serial No. 10/743,195

139681-2

reconstruction subsystem utilizes three-dimensional reconstruction techniques as recited in claims 1, 21 and 41. Further, Krug fails to teach or suggest that the reconstructing step reconstructs either acquired information (claims 48 and 58) or information derived from the high-energy and low-energy signatures (claim 68) into a three-dimensional image. On the contrary, Krug teaches one-dimensional and two-dimensional, iterative processing. Applicant respectfully contends that Krug fails to teach or suggest reconstruction of an image, and certainly fails to teach or suggest three-dimensional reconstruction or reconstruction of a three-dimensional image as cited in the independent claims.

For at least the reasons provided above, applicant submits that independent claims 1, 21, 41, 48, 58 and 68 cannot be anticipated by Krug as currently recited, and therefore none of the dependent claims 2, 5-20, 22, 25-47, 51-57, 61-67 and 69-71 are anticipated by Krug.

Claims 3, 4, 23, 24, 49, 50, 59, 60 and 72 stand rejected under 35 U.S.C. §103 as being unpatentable over Krug in view of Annis. Applicants respectfully traverse the rejection. Claims 3 and 4 depend from independent claim 1, claims 23 and 24 from independent claim 21, claims 49 and 50 from independent claim 48, claims 59 and 60 from independent claim 58, and claim 72 from independent claim 68.

As noted above, applicants submit that independent claims 1, 21, 48, 58 and 68 are patentable over Krug in that each recites that a reconstruction subsystem utilizes three-dimensional reconstruction techniques (claims 1 and 21) or that a reconstructing step reconstructs acquired information (claims 48 and 58) or information derived from the high-energy and low-energy signatures (claim 68) into a three-dimensional image.

Annis is relied upon in the Office action as teaching "several configurations of a computed tomography machine for scanning such things as luggage and humans". Applicant respectfully submits that Annis fails to add any relevant teaching or suggestion to Krug with regard to three-dimensional reconstruction techniques (claims 1 and 21) or a reconstructing step reconstructing acquired information (claims 48 and 58) or information

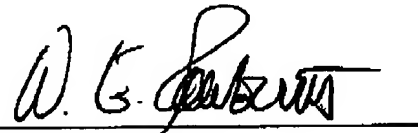
Serial No. 10/743,195

139681-2

derived from the high-energy and low-energy signatures (claim 68) into a three-dimensional image.

In view of the amendments, applicant submits that the currently pending claims of the present patent application are allowable over the cited references. Accordingly, applicant solicits allowance of the pending claims and movement of the present patent application on to issuance. If the Examiner has any questions regarding the present patent application, the Examiner can contact the below-signed counsel of applicant, William Powell, at telephone number (518)-387-4530.

Respectfully submitted,



William Powell
Attorney for Applicant
Registration No. 39,803

Schenectady, New York
Dated: August 2, 2005